

# Town of Canton

## Zoning Board of Appeals Meeting

August 25, 2020  
Zoom Virtual Meeting  
5:00 pm

### Members Present

Chairperson Jonathan Pinckney; John Taillon; Brett Thatcher  
Recording Secretary Jeni Reed

### Members Absent

Matthew Scafidi-McGuire; Dan Soulia

### Others Present

Code Enforcement Officer Jeff Murray; Jennifer MacGregor; Ann Heidenreich

### Call to Order

The meeting of the Village Zoning Board of Appeals was called to order at 5:17 pm by chairperson Jonathan Pinckney.

### Approval of Minutes

A motion was made by John Taillon to approve the minutes for the June 30, 2020 Zoning Board of Appeals (ZBA) Meeting. The motion was seconded by Brett Thacher and carried.

### Agenda Items

#### 1. 344 Northwoods Road, Canton - Area Variance

Code Enforcement Officer Jeff Murray provided an overview of the request: the owners of the property would like to build a new garage and are requesting the variance to build without the required setback of 10 feet. The property neighboring this setback is currently in use as a cow pasture, and all other required setbacks (from the road, etc) have been met. Based on the location of the house, the garage would need to be built on the requested footprint in order to be useful.

At this time, the Area Variance definition was read from the Town Code by Chairman Pinckney. The meeting was then opened for public comment. One of the neighbors of the applicant, Ann Heidenreich, indicated that she felt the proposed project was good to do and that there is no objection that she is aware of from any of the neighbors; as such she feels the variance should be granted. Chairman Pinckney indicated that Ms. Heidenreich also sent him an email voicing her approval of the project, and this email would be forwarded to recording secretary Jeni Reed to be made part of the public record. Jennifer (Jenny) MacGregor spoke in lieu of her husband Baylor who had initiated the application but was unavailable to attend the meeting, and stated that the Code Enforcement Officer

had covered the basic request, and that neighbor Paul Coffee (owner of the land adjacent to the project) also stated that he feels the variance would be appropriate per a verbal agreement. At this time the public comment portion of the meeting was closed.

Chairman Pinckney asked the Board if they had any questions or comments regarding the request - there were none.

As per regulations for an Area Variance request, the following points were discussed by Chairman Pinckney:

1. Does this variance create an undesirable change in character of detriment to properties?  
No undesirable change is created by this approval.
2. Is it possible that the benefit sought could be achieved by another method?  
This benefit can not be achieved by another method.
3. Is the request substantial?  
Yes
4. Does the request create an adverse impact on the physical or environmental area?  
No adverse impact on the physical or environmental area would be created by this approval.
5. Is this a self-created difficulty?  
It was deemed a self-created difficulty as the garage could potentially be placed in another area on the property, but for best usage it was deemed that this should not preclude the granting of an approval.

Based on the above discussion, the following votes were cast:

- Dan Soulia - not present
- John Taillon - yes
- Matt Scafidi-McGuire - not present
- Brett Thatcher - yes
- Jon Pinckney - yes

The variance request passes and is approved by the Zoning Board of Appeals. Code Enforcement Officer Jeff Murray will provide the applicant with the requested building permit. It was shared with the applicant that construction under the building permit must commence within one year from this date of approval, or the Area Variance process would need to be repeated.

## Other Items

- No other items for discussion were presented by the board.

## Adjournment

A motion to adjourn was made by Brett Thacher, and seconded by John Taillon. The motion carried and the meeting was adjourned by chairperson Jonathan Pinckney at 5:27 pm.

Respectfully Submitted,  
August 31, 2020  
Recording Secretary Jeni Reed